

time violation within a reasonable time not to exceed 5 business days from the time that the small business concern became aware that the first-time violation had occurred.

(e) Exceptions

An agency may impose civil money penalties authorized under Federal law on a small business concern for a first-time violation if—

- (1) the small business concern's failure to comply with Federal rules or regulations resulted in actual harm, or constitutes or creates an imminent threat to public health, safety, or the environment; or
- (2) the small business concern fails to correct the violation not later than 1 month after initial notification to the agency.

(f) Expiration

This section shall not apply to first-time violations caused by a Y2K failure occurring after December 31, 2000.

(Pub. L. 106-37, §18, July 20, 1999, 113 Stat. 202.)

CHAPTER 93—INSURANCE

Sec.
6701. Operation of State law.

SUBCHAPTER I—STATE REGULATION OF INSURANCE

- 6711. Functional regulation of insurance.
- 6712. Insurance underwriting in national banks.
- 6713. Title insurance activities of national banks and their affiliates.
- 6714. Expedited and equalized dispute resolution for Federal regulators.
- 6715. Certain State affiliation laws preempted for insurance companies and affiliates.
- 6716. Interagency consultation.
- 6717. Definition of State.

SUBCHAPTER II—REDOMESTICATION OF MUTUAL INSURERS

- 6731. General application.
- 6732. Redomestication of mutual insurers.
- 6733. Effect on State laws restricting redomestication.
- 6734. Other provisions.
- 6735. Definitions.

SUBCHAPTER III—NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS

- 6751. State flexibility in multistate licensing reforms.
- 6752. National Association of Registered Agents and Brokers.
- 6753. Purpose.
- 6754. Relationship to the Federal Government.
- 6755. Membership.
- 6756. Board of directors.
- 6757. Officers.
- 6758. Bylaws, rules, and disciplinary action.
- 6759. Assessments.
- 6760. Functions of the NAIC.
- 6761. Liability of the Association and the directors, officers, and employees of the Association.
- 6762. Elimination of NAIC oversight.
- 6763. Relationship to State law.
- 6764. Coordination with other regulators.
- 6765. Judicial review.
- 6766. Definitions.

SUBCHAPTER IV—RENTAL CAR AGENCY INSURANCE ACTIVITIES

- 6781. Standard of regulation for motor vehicle rentals.

§ 6701. Operation of State law

(a) State regulation of the business of insurance

The Act entitled “An Act to express the intent of Congress with reference to the regulation of the business of insurance” and approved March 9, 1945 (15 U.S.C. 1011 et seq.) (commonly referred to as the “McCarran-Ferguson Act”) remains the law of the United States.

(b) Mandatory insurance licensing requirements

No person shall engage in the business of insurance in a State as principal or agent unless such person is licensed as required by the appropriate insurance regulator of such State in accordance with the relevant State insurance law, subject to subsections (c), (d), and (e) of this section.

(c) Affiliations

(1) In general

Except as provided in paragraph (2), no State may, by statute, regulation, order, interpretation, or other action, prevent or restrict a depository institution, or an affiliate thereof, from being affiliated directly or indirectly or associated with any person, as authorized or permitted by this Act or any other provision of Federal law.

(2) Insurance

With respect to affiliations between depository institutions, or any affiliate thereof, and any insurer, paragraph (1) does not prohibit—

(A) any State from—

- (i) collecting, reviewing, and taking actions (including approval and disapproval) on applications and other documents or reports concerning any proposed acquisition of, or a change or continuation of control of, an insurer domiciled in that State; and
- (ii) exercising authority granted under applicable State law to collect information concerning any proposed acquisition of, or a change or continuation of control of, an insurer engaged in the business of insurance in, and regulated as an insurer by, such State;

during the 60-day period preceding the effective date of the acquisition or change or continuation of control, so long as the collecting, reviewing, taking actions, or exercising authority by the State does not have the effect of discriminating, intentionally or unintentionally, against a depository institution or an affiliate thereof, or against any other person based upon an association of such person with a depository institution;

(B) any State from requiring any person that is acquiring control of an insurer domiciled in that State to maintain or restore the capital requirements of that insurer to the level required under the capital regulations of general applicability in that State to avoid the requirement of preparing and filing with the insurance regulatory authority of that State a plan to increase the capital of the insurer, except that any determination by the State insurance regulatory authority with respect to such requirement shall be made not later than 60 days after